Public Hearing Minutes December 5, 2023

As reviewed, approved, and accepted by the Town Council on January 2, 2023

Mayor Charles Hendricks called the Public Hearing to order at 7:31 p.m. The meeting was held using video conferencing. Council Members Charles Bradsher, Tom Burke, Amy Koval, and Christina Pellegrino were present. Also present were Assistant Clerk James Schneider, Assistant Clerk Joy Jackson, and Town Counsel Victoria Shearer of Eccleston and Wolf. There were approximately 48 residents and guests present. The Notice of Hearing was posted on the Town website, at the Town Hall, and at the Post Office.

**Mayor Hendricks read a statement to explain the reasoning for proposing an ordinance amending the Laytonsville Zoning Ordinance by adding sections 110.00 and 111.00 to impose a temporary moratorium upon the review and consideration of commercial applications and permits and to require the town Planning Commission to initiate a review of the Comprehensive Plan and zoning regulations regarding such commercial land uses and to report to the Mayor and Council regarding its recommendations.**

Mayor Hendricks was informed that some individuals were having difficulty accessing the Zoom Meeting. The issue was remedied and at 7:45 p.m. he reread the opening statement as follows:

**I now call to order a public hearing before the Mayor and Council of Laytonsville on a**

**draft ordinance I introduced at the November 7 meeting of the Town Council to impose a**

**moratorium of six months’ duration on the review of applications for commercial development**

**of any type in the town’s Commercial (C1) and Commercial-Historic (CH) zones. The ordinance**

**would also require the town’s Planning Commission to review the town’s Comprehensive Plan**

**and to report to the Town Council within 120 days its recommendations for any amendments**

**to the town’s zoning ordinance or other land-use regulations it deems appropriate. The**

**“Whereas” clauses of this draft ordinance explain its rationale, which I will briefly summarize.**

**Laytonsville has in recent years experienced substantial population growth and its environs have developed as well, leading to increased traffic and pressure for commercial development in the town. Town citizens have become aware that current zoning regulations may not fully align with the visions and goals of the town’s 2014 Comprehensive Plan or its current needs and have submitted petitions to the Mayor and Council to draw attention to their concerns. The 2014 Comprehensive Plan highlighted Laytonsville’s unique historic and small-town character, and the town’s evolving circumstances suggest the need for a careful review of the town’s zoning and land-use rules in a stable environment to protect the town’s values.**

**The town’s charter provides that a public hearing be held on any draft ordinance introduced at a meeting of the Mayor and Council. Let me explain the ground rules of this hearing. Each individual who wishes to comment at the hearing this evening may seek recognition by clicking on the raised hand at the bottom of their Zoom screen. If you find you are unable to do that, you may report that fact in the chat. Only one person should speak at a time. Joy Jackson, who is hosting the meeting, will announce the speakers to be recognized, and I understand she will do that in the order in which they joined the Zoom call. When recognized, each speaker must begin by introducing him or herself by name and home address. Speakers are free to mention any other relevant affiliation as well. Each speaker will be limited to no more than five minutes, and Joy will warn speakers if and when they approach the end of their allotted time. There are many subjects that may be on people’s minds, but I ask that you all do your best to limit your comments to considerations relevant to the ordinance at hand.**

**Suggestions for possible changes in the wording of the ordinance may certainly be offered. My**

**fellow Council members and I are eager to hear the opinions of town residents and others interested in the proposed ordinance. We will not, however, be responding to questions about**

**our opinions relative to the draft. Once we hear the testimony to be offered this evening, we**

**will evaluate what we have heard and be prepared to discuss the draft ordinance at the**

**meeting of the Town Council scheduled for next Tuesday, December 12. That meeting will, of**

**course, be open to the public, and the Zoom link for the meeting has already been posted on**

**the town’s website.**

Recognized Speakers:

Dave Dassoulas of 3283 Jones Road Woodbine, representing the 6641 Maple Knoll Drive commercial zoned property offered the following comments:

 I'm representing 6641 Maple Knoll Drive, which is the commercial one zone property that is a big part of the discussion. First, I wanted to say thank you to all those that came out last night. We had an open house at the Laytonville Elementary School cafeteria auditorium and really enjoyed meeting people in the community, listening to concerns. So thank you. Also, in the event we are ever able to build the building, we'd love to host public hearings for the town. I'm just going to work my way through the proposed amendment ordinance. First is just an observation that it's only been a little over eight years since the ten-year master plan was adopted. Just an observation. On the fourth paragraph**—**and just wanted to comment about the project that we are being scrutinized under**—**there's Laytonsville’s intent to maintain the agricultural and historical character of the town. I just wanted to say that Hope was and is aware of the agricultural and historical character of the town. This greatly influenced the project architect to design the operations center with features found in large attractive barns. The features include multiple cupolas, a hay loft, two gables on each side of the roof. The lobby entrance is fashioned in a silo-like feature, and numerous trees and landscaping features soften and screen the property perimeter. So, down to paragraph six, talks about the economic development of the town and the impact, and I would like to say the Hope presence in the town of Laytonsville will usher in one of the largest property values in decades, providing property tax revenue, professional and trade job opportunities, and seasonal work for our children as they enter the workforce—in a safe workplace environment. Our physical presence in the town will increase spending with many of the local commercial retailers and service providers. Down to paragraph twelve, talks about a manufacturing and warehousing facility, and I'd like to suggest that you please correct the content of the paragraph or identify the commercial project it refers to if not Hope Builders project. Hope Builders is not a large manufacturer or a small event manufacturer or warehousing company. We are a trade contractor serving national chain restaurants and other commercial customers in our service area. As for traffic concerns, I missed this one last night. I went home, and realized I lost an opportunity. But I got another one tonight. The Hope staff activity runs opposite of the neighborhood traffic flow. When residents are leaving in the morning, we are coming to work. When residents are returning home, we are leaving or have already left. So, I believe our impact is less than I've thought it was and said it was last night. And then lastly, at forty seconds, regarding the resolutions at the end that get voted on and put into place, I'd like to say that if this amendment to the ordinance is approved, we will continue to be damaged on a daily basis. We also believe this action is not legal and is unconstitutional. Hope has followed the town of Laytonsville’s ordinances and guidelines. Since our property development and approval is in process, we request the town of Laytonsville exempt our project from the temporary memorandum upon the commercial applications and any and all amendments to the town ordinances and any revisions contained in the 2024 ten-year master plan. Thank you very much for your consideration, and I think my time is up.

Jim Ruspi of 7111 Brink Road offered the following comments:

 I've been a resident of Laytonsville for over forty-three years. I've been involved with the government in town for approximately 20 years and up until June 30th, I was the mayor of Laytonville. I want to say that I was absolutely surprised when I heard last month that the town is considering a moratorium. I have been actively involved in many of the activities here in town including the development of the last commercial property. I was at the very beginning, when Hope Builders came in and wanted to talk to us. I attended, I think, all of the Planning Commission meetings—observed and very sparingly made comments during those meetings. I firmly believe that our ordinances are being followed. Accommodations are being considered by Hope Builders. I just don't understand why we are even considering this moratorium. We have one piece of property that hasn't been developed into a project. One piece in the entire town. The town has, yes, it has doubled in population, but it has not had a huge amount of commercial growth going on in town. So, for a moratorium to even be considered is inexcusable by the town. I really don't understand this. And my contacts over the last two years with respect to this particular property, I really believe that an effort is being made by the developer to comply with what the town is concerned with at the Planning Commission meetings. I believe that the Commission has properly assessed what's going on, have come up with its recommendations that should be considered and followed by the developer. And I just honestly don't understand why this is even being considered. So, in my opinion, I think that this ordnance proposal for the moratorium ought to end. It ought to not be considered. I appreciate the opportunity to say what I think and thank you all.

Chris Bresnan of 21327 Birdie Lane thanked Mayor Hendricks for having this open meeting.

Mr. Bresnan offered the following comments.

 I think there should be a moratorium as I have questions about not just the zoning of that plot, but several of the plots around it during the commission meetings were also switched to C1 zoning. Plots 195, 198, all the adjacent plots, including Stadler Nursery and the two plots behind it. Every plot basically from Laytonville Grove up to 108 and over to the historic district were reclassified as C1 commercial. And C1 means that it's supposed to be a place used by a neighborhood, such as for goods and services so that people don't have to leave that neighborhood. It's supposed to complement the neighborhood. The C1 is commonly used by the neighborhood residents as a vital service, and that's sort of that classification. I think that the broad generalization of the whole Hope Builders project, it's both a warehouse, it's an office headquarters, it's an event place. All fall under what's known as limited use for that category of zoning. A warehouse, they said last night, they're very careful in their wording, but a warehouse is any place that is designed to receive goods and hold that good, be it for a minute or a month and then that good is not used at that spot, but then transfer it to another area. In any type of warehouse, especially a 15,000-foot warehouse, is not allowed in any commercial area except for industrial. And so, I have a lot of concerns about that and about what the whole sort of plan for that whole area is. And so, I think there should be a moratorium to give the community and people a chance to actually hear these meetings. I've gone through all the minutes of the last four years of the meetings of the Planning Commission, and I see lots of question raised, like where would traffic come. And even in the meeting, members are sort of quelled by the leading member who said that he should have been recused, but he did not recuse himself from offering opinions. They talk about how the trucks will come down Golf Estates Lane and cut through this neighborhood, and they ask whether those roads were designed for these trucks, and they said since they’re county roads they do meet. There are questions about whether there should be limits on it for its lighting, or there should be buffers. It says that C1 should not be any type of thing that is intensely used, and by intensely used they even go in and say that things like bed and breakfast is confined to that category and should be limited from the neighborhood to putting a warehouse with trucks. And I actually think that it doesn't meet the requirements for the density rate. When you look at the actual scope of the project, I think they're very limited in what they're counting as parts of the project from the inside and outside and it takes up much more in the space. I think it actually takes up closer to two thirds of the lot versus the .3 that it can have for its density. So, I think there are questions and things that we as a community need to answer about that whole area, and so I thank you. And that's really all I have.

Mayor Hendricks said that his understanding is that properties have not been rezoned to C1 zone recently, but the comprehensive plan envisions that possibility. This has not been implemented.

Patrick McEnerney of 240 Barberry Lane offered the following comments:

 I’m at 240 Barberry Lane in this new beautiful development that I was actually the first person to buy, so we were alone for a while, and I love having our neighbors here. But most importantly, Dave, I want to thank you for showing up yesterday. As an entrepreneur and a business owner, you should be very proud of what you’ve built, and you’ve got some good stuff going on, and I wish you continued success. So, I drove by your place today. I saw your industrial park arrangement today. I saw your trucks. I saw your activity, and there's a lot of good stuff going on and congratulations on that. I will say I saw at least 10, maybe 12 trucks plus your staff that's working there, and there's a lot of activity going on and it has that industrial feel. That's why you're in an industrial park. I love your plans. I love the architecture. I see you put a lot of work and effort into it. But then maybe it just happened—you know by fate—I decided to come home at a decent time tonight for dinner, and I had to deal with crossing into our development on Maple Knoll Drive. And because of this circle, which slows things down—which is great because I think it's safety that we're all concerned about—but, I had to wait. I had to wait for cars to stop. I had to wait for people to flash me to cross over. It is very congested right now. And Stadler still, they have their trucks up there. And then I just started visualizing, driving into the development, widening that road, and seeing your trucks and your industrial field on the left-hand side. We're just building, but I see those trucks. And then last night you were generous enough to share that the trucks do move at nighttime. And trucks are loud. And then we also found out that there's 18-wheelers involved whether it's a half a pallet, a full palette, single palette, or someone picking up something, those are pretty big vehicles. So, I watch school buses try to maneuver that circle and stop as traffic continued to pile. And I start thinking about our investment as a community in this town and the real estate and us sitting behind traffic trying to get to work every day. And it can be tough right now. I started visualizing your trucks. By the way, I love your logos, lovely colors. It's a good-looking organization. Good looking at operation, but I don't know if I want to sit behind them trying to get to work every day. I think the congestion is going to pile up. I don't see how it can't. I just feel that it's not matching what this C1, call it whatever you want, but I don't think it matches what we're trying to accomplish as a community, and trust me, I am pro-entrepreneur, I'm pro-business, I’m pro-development and pro-community. I just don't know if it's going to fit, and I don't know what it's going to do to our values. I don't know what's it’s going to do with us just getting up and going to work every day. And so, it's a really, really tough thing to look at, but it just doesn't feel right. I think Steve may have his hand raised mentioned some good things about trying to match the culture, trying to match the feel. I think our biggest fear is congestion, trucks, and evening beeps and noises in a very peaceful, beautiful community. I appreciate your time. I appreciate everyone allowing me to say my two cents, and I've learned a lot in the last twenty-four hours, and I appreciate everyone let me talk today.

Steven Galante of 248 Barberry Lane began his remarks by thanking the Mayor and Council for having this meeting and to those in attendance. Mr. Galante offered the following comments:

 We had a meeting yesterday at the elementary school with Hope Builders, where we got to meet Dave and his meet his staff. That was a great opportunity and for those of you who didn't make it, Hope Builders is a commercial entity, and it seems to be appropriate in an industrial park. We moved here in March of 2020 from Olney. What brought us to Laytonsville is that small-town feel to it. You truly are a single traffic-light town. But the idea of bringing in this commercial entity, which honestly does not serve the residents of the community—It might bring in tax revenue. I don't dispute that—but I don't believe it's going to provide services for the community that we can make use of. And what concerns me, and my wife and my neighbors, is the fact that Dave mentioned last night on a daily basis, there'll be an 18-wheeler or multiple 18-wheelers coming to the site. And then their trucks on site leave their site between 5:00 and 6:00 p.m. in the evening to go out on their work runs because they work during the night. They go out for eight or nine hours and come back to the site at 3:00 or 4:00 in the morning. How does that really connect with our sleepy little town? And we love this town. My wife and I love it here. We are proud to be Laytonsville citizens. And this just doesn't seem like it's appropriate for our town. I've seen 18-wheelers trying to travel through that traffic circle there, and it's a little bit of a scary proposition as you watch them drive over the center portion of the median and the circle. Right now, we see occasional 18-wheelers, but now you're going to see them on a daily basis. It just doesn't make any sense to me and my wife. I appreciate the opportunity that we're having this discussion. I wanted to get that information out there for those on this call who are not aware of just how much this is going to impact the overall feel and living in this community. And I hope you take it under consideration when you vote on this moratorium. Thank you.

Sharif Hidayat of 272 Barberry Lane offered the following comments:

 I heard the testimony of Patrick, Chris, and Steve and I also agree with all three of them. The reason why we're here today and why we're even talking about this is because it was mandated by the voters. It was mandated by all the citizens who live in Laytonville. It was mandated and it was proven to be such an important topic that during the last mayoral race you had a record turnout, and it was, in my opinion, because of this singular issue. You had over eighty-eight people sign a petition saying that they think there are some serious problems with this development, and that went beyond just the development. It went to the conflicts of interest between members of the Planning Commission advocating for this property to be developed, providing excuses, and to also mention about the conflict of interest that the planning commissioner chair resides next to the property. He's neighbors with Hope Builders and also advocating on their behalf. So, just to add context to all the people who are on the Zoom session, the reason why we're all here tonight, and you'll never get a Town Council meeting with this type of audience. You're getting it now because this is such an important issue for all the residents who live here. As far as the aesthetics of the building itself, I agree, it looks beautiful. Looks beautiful, and in an industrial park, not adjacent to a residential area. I'd also like to say that I used to be a community service officer with the Montgomery County Police Department, and my job was to handle quality of life issues, especially chronic ones. And I can tell you the number one pet peeve of everybody is traffic. If this issue does not get resolved responsibly, everybody's going to lose. It's going to contribute to more traffic accidents, more traffic congestion, more frustration. We have kids also in this development, and I know there's other families in this community that have kids. And they want to go pick up their kids on time. So, Hope Builders or any other type of development that wants to run an industrial type business in our community, they should have had these conversations with the community before they started investing money into the land for development. That would have been the responsible thing. Not coming at the end of the game and trying to appease people because there might be a roadblock. Thank you for your time, Charley, and the Council. And Mayor Hendricks I think you're doing a commendable job addressing this issue, and I am in support of this moratorium. Thank you.

Dale Johnson of 6911 Howard Street offered the following comments:

 I've had the same address for 62 years. I'd like to go along and thank our forefathers and the council members that planned this town and got us where we're at today. And it goes way past the commercial zoning I lived through, and I served on the Council doing the planning of a lot of the development in town. It was done with the thought of good for Laytonsville. We—the town government and the people that work very, very hard—are the reason why we have all the new development in town, the new beautiful homes behind the fire house, Stadler’s Nursery. All this was taken in effect. Everybody was focused, and the commercial zoning was set. It was moved from Old Town Laytonsville, which is now the historical district, to the shopping center area and the property in question. I'm not in agreement with a moratorium. Town government has worked here. Town government has seen and oversees the property that Hope Builders or someone else wants to develop. The government works, and I think they're going to do the right thing for the people and the citizens of Laytonsville. At the end of the day, the Town Council and the government have to say yay or nay. A moratorium is not an answer for this. A moratorium to me is—you're putting a moratorium on something that the last development was the shopping center in early 1980’s. Nothing else has been really developed. I think we're heading in the wrong direction. I think we should let our government, the Planning Commission, the Town Council do their jobs, with of course meetings like this for the public to have input. I think it's been totally transparent on everything. Thank you.

Todd Horich of 21313 Birdie Lane offered the following comments:

 I appreciate the comments around letting the community do its work and the Town Council. I appreciate the vape shop by the way. That was a great add to our community. I come from a lazy little town called Burtonsville, back when it looked like a little lazy town just as you remember Laytonville, probably about 40 years ago. We were small-business owners in Burtonsville, and then folks started coming in, saying we're adding to the community. I suggest you drive through Burtonsville and have a look at it now. I would caution, you know, you say this has been a methodical march through a discussion of this organization coming into our town. I've been here three years, and I think I just heard it about six months ago. So, it's a moratorium, but we’d just like to understand it a bit more before you jam it into our community without input. So again, I appreciate this discussion. It's been very informative to me. I know the CEO of the company has stopped by a few homes of our neighbors to talk through it. I missed that call. I would have liked to have a call on that. I think the community should keep talking through it, and if it continues to make sense to the Town Council, then, you know, we live with your decision. Doesn't mean we have to like it. So, I appreciate this open forum.

Brendan Deyo of 21701 Mobley Drive said he is speaking purely for himself, although a member of the current Planning Commission. Mr. Deyo offered the following comments:

 I've been on the Planning Commission since it started, and I've known Eric Wenger for that entire period, and I have no doubt in his integrity and his honesty in his approach to this entire matter. I just want to make it clear that I sit and witness, because I'm not personally in favor of the development, but I witnessed Eric handle every single session in the most professional and ethical means possible. But in terms of the development itself, in the master plan, somebody made a reference that the master plan is only eight years old. When we wrote the first master plan, the town didn't have the development behind the firehouse. It didn't have the development behind the school. It didn't have a lot of these big developments. In fact, it didn't have the one where the pond is. We were thinking at the time when we got together was—What could the town look like? What are the options? And we kind of played out this whole model in our heads. Maybe we could do this. We can do that. Maybe we should do this. And since then, it's grown. I've had to admit not all the perceptions that I had about how the town would flush out and how it filled out were held. So even though the plan is only eight years old, it has seen a lot of development. And we've had a huge influx of new residents. I used to know everybody—almost everybody—in town. I don't know most of you on the phone here. But getting new insight, new visions, new thoughts, just like this meeting happening, is critically important. And it's critically important that even though our plan is only eight years old, we're going through an effort now to modernize it. To make it reflect our current efforts. I'm not a lawyer. I can't speak to the legality of the motion and the action on all that stuff. I can speak to the character of the town. I moved here from Rockville because I wanted a small town I wanted my kids to grow in. I want to feel safe. And sure, traffic is getting worse. It's not like it used to be; it's getting much worse. We've become much more a through-put town. I just read in the paper that the government in Maryland is cutting five billion dollars, two billion dollars from our transportation funding, which means our bypass will probably not be built in my lifetime. Which means that whatever we have now is what we're going to have. So, the thoughts of making reductions in or easing the traffic burden is probably not going to happen. I’d like to be able to be safe when I get older and be able to walk through the town, to walk with my dogs and my wife, run at night in a safer community. I just feel the increased traffic is a challenge. I also don't necessarily believe that the mission of the development itself is for the benefit of the community personally. A food store, something else that can provide benefits—I don't have the drive to Giant, the hardware store—something that would be useful would be how I always envisioned that area to be developed that could contribute to the character and the nature of the town. I definitely appreciate your time, but, again, I've been here. I'm not going anywhere. I have a vested interest in ensuring that at least the character stays as close as we can to what we came here to enjoy. Thank you, Mayor.

Dale Johnson of 6911 Howard Street commented that being a longtime resident, he has lived with the increased traffic for many years and does not believe that it is a result of the new residential developments or any of the commercial development. He said the traffic issue is because of state Route 108, and only a bypass will help solve that.

Dave Dassoulas of 3283 Jones Road, Woodbine, representing the 6641 Maple Knolls Drive property, stated that he is willing to host another meet and greet, which he would hold at the elementary school.

Sharif Hidayat of 272 Barberry Lane asked why six months for the moratorium. He also asked when the Comprehensive Plan is due, and what is the timeline.

Mayor Hendricks explained that the purpose for the public hearing is to gather opinions and suggest changes to the proposed ordinance amendment.

Chris Bresnan of 21327 Birdie Lane asked if the zoning map on the website is correct and up to date. He said that he saw in reviewing meetings that some things were said to be mislabeled, and asked where might there be the most up-to-date map.

Mayor Hendricks responded that the current map is not mislabeled but only slight discrepancies with the borders of certain properties. He said he is working on obtaining digital copies from the engineer.

Mayor Hendricks asked if there were any additional comments. There being none he said the record would remain open and encouraged written comments be written comments to the Town Council via clerk@comcast.net.

Council Member Pellegrino made a motion to adjourn the public hearing. Council Member Koval seconded the motion. ***Unanimously approved.***

The public hearing was closed at 8:46 p.m.

Respectfully submitted,

James Schneider

Assistant Clerk

December 5, 2023